

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on April 15, 2005. At the time the Examiner mailed the Office Action claims 1-44 were pending. By way of the present response the Applicants have cancelled claims 1-44 and added claims 45-67. As such, claims 45-67 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims.

Abstract

The Examiner objected to the Abstract because of informalities. The Applicants have submitted a new abstract.

Mangipudi Reference

The Examiner cited Mangipudi et al., U.S. Patent No. 6,728,748 (hereinafter "Mangipudi").

The Applicants respectfully assert that the claimed invention is distinguished from Mangipudi. Mangipudi is directed at performing policy based class of service and adaptive service level management for network applications. Mangipudi describes routing service requests to one of several queues according to the class of service associated with the request. Each queue is associated with a cluster of virtually assigned servers. Each of the clusters is configured to have different performance characteristics depending on the relative class of service associated with that cluster of servers. Column 7, lines 2-55 and Figure 2. The adaptive

service level management functionality involves monitoring the performance of each cluster and, in some cases, virtually reassigning servers to the cluster of a different class to better conform to expected performance levels. Column 13, lines 15-44 and Figure 7. Load balancing policies can be configured based on the class of service. Column 12, line 62 to Column 13, line 15 and Figure 6.

With reference to Claim 45, the present invention assigns a resource to a service request through the use of at least a super group table and a group table. In one embodiment, servers are virtually assigned through a hierarchy including groups of servers and super groups of the groups of servers. Each service request type is associated with a service index that determines both a super group and a load balancing policy for that service request type. Each server in a super group is capable of responding to the given service request type. A hierarchical data structure allows servers to be configured into overlappable, arbitrary subsets that can address service requests matching configured content rules. Furthermore, load balancing policies by service request type can be established. This architecture allows for great flexibility while requiring relatively small amounts of memory. Page 15, lines 19-28 and page 16, lines 10-22.

Independent Claim 56 is distinguished for similar reasons. Since independent claims 45 and 56 are distinguished from Mangipudi, the dependent claims 46-55 and 57-67 also overcome Mangipudi. Therefore, Applicants respectfully request that claims 45-67 be allowed.

CONCLUSION

For the reasons provided above, Applicants respectfully submit that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Greg Caldwell at (503) 439-8778.

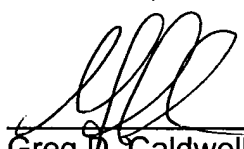
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

10/17/03



Greg D. Caldwell
Reg. No. 39,926

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300